

**REMARKS**

Claims 1-32 are all the claims pending in the application. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The claims have been editorially amended to address the issues raised by the examiner in paragraph 1 of the Office action. Additional self-explanatory editorial amendments have also been made.

The prior art rejections are respectfully traversed.

In the previous Office action, the examiner rejected the claims for anticipation by either Bottomley or Proakis. In the present Office action, the examiner maintains the rejections. Applicant notes that "Ottosson" referred to in the present Office action is simply the name of a different inventor of the same "Bottomley" reference, i.e., WO 01/29982 A1, relied on by the examiner in the previous action.

In the paragraph entitled "Response to Arguments," at page 2 of the Office action, the examiner has dismissed all of applicants distinguishing arguments by simply stating they are unpersuasive because the claims were not amended. This is not a response to the arguments, with no effort to point out a single argument that is incorrect. This would be similar to applicant filing a response simply traversing all rejections "because the examiner is wrong." The MPEP provides that in issuing a further Office action the examiner will respond to all grounds of traversal. If the examiner maintains the rejections after the present Request for Reconsideration, a response to all arguments is requested. In the absence of such a response, applicant will be in a

position of appealing the rejections with no idea if the examiner has some reasonable rationale for the rejections that has not until now been set forth in the Office action.

As to the merits of the rejections, the present invention estimates information symbols taking into account a predetermined maximum number of propagation paths, the propagation paths are chosen according to a criteria, and the criteria are selected in accordance with measured data relating to energy distribution in the propagation profile. Ottosson et al (WO 01/29982 A1) teaches the use of selection strategies to choose propagation paths, and teaches that different selection strategies can be used. The selection strategies themselves employ selection criteria for choosing paths. Lines 14-26 of page 26 describe selecting paths according to different strategies.

It is unclear whether the examiner is considering the "strategies" or the "criteria" of Ottosson et al to correspond to the claimed selection criteria in the present invention, but in either case there are two basic flaws in the rejection. First, the "strategies" and "criteria" in Ottosson et al are for selecting paths. What the claims of the present application describe as being based on energy distribution data is not the paths but rather the criteria for selecting the paths. Thus, for example, if the "criteria" in Ottosson et al correspond to the claimed "criteria," then in order to anticipate claim 1 Ottosson would have to teach that the *criteria* are selected based on energy distribution data, with the propagation paths then being selected according to the selected criteria.

There is nothing in Ottosson et al to suggest that the different selection criteria, e.g., described at lines 11-15 of page 4, may be chosen in accordance with measured data relating to the energy distribution in the propagation profile. The examiner cites to lines 10-15 of page 4 as suggesting the choosing of a selection strategy based on the measured energy distribution, but

lines 10-15 of page 4 of Ottosson et al describe criteria *within a selection strategy* for selecting correlation times. This does not describe the selection of a selection strategy itself. And even if it did, there is no indication that any selection of criteria is based on the measured energy distribution in the propagation profile as is required in the present claims.

In view of the above, it is clear that there cannot be anticipation of claims 1-7, 11-17 or 22-32 by Ottosson et al.

As to the rejection of claims 8-10, 19-21 and 29-31 for anticipation by Proakis stated in Paragraph 14 at page 6 of the Office action, it is first noted that all of these claims are dependent claims, and are being rejected for anticipation by a reference not relied on for rejection of the parent claims. A reference cannot anticipate a dependent claim unless it teaches each and every feature of the parent claim as well. Proakis does not teach the subject matter recited in the parent claims, and the examiner has not even alleged that it does, so there is clearly no *prima facie* case of anticipation by Proakis.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

Respectfully submitted,

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